

IFW/B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Julio C. Spinelli et al.

Title: CARDIAC RHYTHM MANAGEMENT SYSTEM WITH ARRHYTHMIA CLASSIFICATION AND ELECTRODE SELECTION SYSTEM

Docket No.: 279.372US1

Filed: December 20, 2001

Examiner: Kennedy Schaetzle

Serial No.: 10/027,800

Due Date: May 9, 2005

Group Art Unit: 3762



Mail Stop Issue Fee

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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A return postcard.
 An Interview Summary and Comments on Statements of Reasons for Allowance (2 pgs.).

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

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By: Suneel Arora

Atty: Suneel Arora

Reg. No. 42,267

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 28 day of February, 2005.

Paula Suchy
Name

Paula Suchy
Signature

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
(GENERAL)

S/N 10/027,800



PATENT

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Serial No.: 10/027,800
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INTERVIEW SUMMARY AND COMMENTS ON STATEMENTS OF REASONS FOR
ALLOWANCE

Commissioner for Patents
MS: Issue Fee
P.O. Box 1450
Alexandria, VA 22313-1450

On February 4, 2005, Examiner Kennedy Schaetzle, telephoned the undersigned to discuss claims 1 and 30. Applicant agreed to amend claim 1 and 30 as stated in the Examiner's Amendment to place the application in condition for allowance. Applicant acknowledges the Notice of Allowance dated February 9, 2005.

In response to the portion of the Examiner's Interview Summary that states that the Examiner's amendment to claim 30 was deemed necessary to overcome the art of record, Applicant respectfully disagrees with this stated reason behind this amendment to claim 30. Applicant believes that the addition of the language "by at least three of" to claim 30 was a non-narrowing non-art-related clarification of language already present in claim 30 that recited "sequentially adjacent pairs of electrodes." It is Applicant's view that the existing "sequentially adjacent pairs of electrodes," (with its use of the plural form "pairs") inherently required at least two different pairs of electrodes. This, in turn, inherently requires at least three electrodes (for example, in a three electrode configuration, one electrode would be shared between the pairs of electrodes). Accordingly, because the added language "by at least three of" merely clarified existing claim language, Applicant respectfully submits that the addition of such language was clarifying, non-narrowing, and not required to overcome the art of record.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6951 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JULIO C. SPINELLI ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
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Date February 25, 2005

By



Suneel Arora

Reg. No. 42,267

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Name Paula Suchy

Signature Paula Suchy